

agreed to accept this, even though I cannot speak for them, but in doing so we will get the roads built, the bridges built and all the other programs the gentleman from Minnesota and the gentleman from Oregon and the gentleman from Wisconsin mentioned and that are in this SAFETEA-LU.

So I congratulate those that worked so hard and took the time. I congratulate you for taking the effort, and I do think we ought to step forward and strongly support the passage of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I insert this exchange of letters between DON YOUNG and SHERWOOD BOEHLERT for the RECORD.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE,  
Washington, DC, September 29, 2006.

Hon. DON YOUNG,  
Chairman, Committee on Transportation and  
Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 6233—To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes. The bill amends research portions of H.R. 3, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59), which are within the Science Committee's jurisdiction. The Science Committee acknowledges the importance of H.R. 6233 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House floor.

The Science Committee also asks that you support our request to be conferees on any provisions over which we have jurisdiction during House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,  
SHERWOOD BOEHLERT,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,  
Washington, DC, September 29, 2006.

Hon. SHERWOOD L. BOEHLERT,  
Chairman, Committee on Science,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 29, 2006, regarding H.R. 6233, making technical corrections to SAFETEA: LU, and for your willingness to waive consideration of provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of relevant provisions of H.R. 6233 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 6233 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Congressional

Record during consideration on the House floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

DON YOUNG,  
Chairman.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 6233.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### WRIGHT AMENDMENT REFORM ACT OF 2006

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3661) to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

The Clerk read as follows:

S. 3661

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Wright Amendment Reform Act of 2006".

#### SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) EXPANDED SERVICE.—Section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96-192; 94 Stat. 35) is amended by striking "carrier, if (1)" and all that follows and inserting the following: "carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any United States or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama."

(b) REPEAL.—Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 35), as amended by subsection (a), is repealed on the date that is 8 years after the date of enactment of this Act.

#### SEC. 3. TREATMENT OF INTERNATIONAL NON-STOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person shall provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a nonstop basis, and no official or employee of the Federal Government may take any action to make or designate Love Field as an initial point of entry into the United States or a last point of departure from the United States.

#### SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) IN GENERAL.—Charter flights (as defined in section 212.2 of title 14, Code of Fed-

eral Regulations) at Love Field, Texas, shall be limited to—

(1) destinations within the 50 States and the District of Columbia; and

(2) no more than 10 per month per air carrier for charter flights beyond the States of Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.

(b) CARRIERS WHO LEASE GATES.—All flights operated to or from Love Field by air carriers that lease terminal gate space at Love Field shall depart from and arrive at one of those leased gates; except for—

(1) flights operated by an agency of the Federal Government or by an air carrier under contract with an agency of the Federal Government; and

(2) irregular operations.

(c) CARRIERS WHO DO NOT LEASE GATES.—Charter flights from Love Field, Texas, operated by air carriers that do not lease terminal space at Love Field may operate from nonterminal facilities or one of the terminal gates at Love Field.

#### SEC. 5. LOVE FIELD GATES.

(a) IN GENERAL.—The city of Dallas, Texas, shall reduce as soon as practicable, the number of gates available for passenger air service at Love Field to no more than 20 gates. Thereafter, the number of gates available for such service shall not exceed a maximum of 20 gates. The city of Dallas, pursuant to its authority to operate and regulate the airport as granted under chapter 22 of the Texas Transportation Code and this Act, shall determine the allocation of leased gates and manage Love Field in accordance with contractual rights and obligations existing as of the effective date of this Act for certificated air carriers providing scheduled passenger service at Love Field on July 11, 2006. To accommodate new entrant air carriers, the city of Dallas shall honor the scarce resource provision of the existing Love Field leases.

(b) REMOVAL OF GATES AT LOVE FIELD.—No Federal funds or passenger facility charges may be used to remove gates at the Lemmon Avenue facility, Love Field, in reducing the number of gates as required under this Act, but Federal funds or passenger facility charges may be used for other airport facilities under chapter 471 of title 49, United States Code.

(c) GENERAL AVIATION.—Nothing in this Act shall affect general aviation service at Love Field, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any agency of the Federal Government or by any air carrier under contract to any agency of the Federal Government.

#### (d) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration may not make findings or determinations, issue orders or rules, withhold airport improvement grants or approvals thereof, deny passenger facility charge applications, or take any other actions, either self-initiated or on behalf of third parties—

(A) that are inconsistent with the contract dated July 11, 2006, entered into by the city of Dallas, the city of Fort Worth, the DFW International Airport Board, and others regarding the resolution of the Wright Amendment issues, unless actions by the parties to the contract are not reasonably necessary to implement such contract; or

(B) that challenge the legality of any provision of such contract.

(2) COMPLIANCE WITH TITLE 49 REQUIREMENTS.—A contract described in paragraph (1)(A) of this subsection, and any actions taken by the parties to such contract that are reasonably necessary to implement its provisions, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed—

(A) to limit the obligations of the parties under the programs of the Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, disability access, and revenue diversion;

(B) to limit the authority of the Department of Transportation or the Federal Aviation Administration to enforce the obligations of the parties under the programs described in subparagraph (A);

(C) to limit the obligations of the parties under the security programs of the Department of Homeland Security, including the Transportation Security Administration, at Love Field, Texas;

(D) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements; or

(E) to limit the authority of the Federal Aviation Administration or any other Federal agency to enforce requirements of law and grant assurances (including subsections (a)(1), (a)(4), and (s) of section 47107 of title 49, United States Code) that impose obligations on Love Field to make its facilities available on a reasonable and nondiscriminatory basis to air carriers seeking to use such facilities, or to withhold grants or deny applications to applicants violating such obligations with respect to Love Field.

(2) FACILITIES.—Paragraph (1)(E)—

(A) shall only apply with respect to facilities that remain at Love Field after the city of Dallas has reduced the number of gates at Love Field as required by subsection (a); and

(B) shall not be construed to require the city of Dallas, Texas—

(i) to construct additional gates beyond the 20 gates referred to in subsection (a); or

(ii) to modify or eliminate preferential gate leases with air carriers in order to allocate gate capacity to new entrants or to create common use gates, unless such modification or elimination is implemented on a nationwide basis.

#### SEC. 6. APPLICABILITY.

The provisions of this Act shall apply to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, and shall have no application to any other airport (other than an airport owned or operated by the city of Dallas or the city of Fort Worth, or both).

#### SEC. 7. EFFECTIVE DATE.

Sections 1 through 6, including the amendments made by such sections, shall take effect on the date that the Administrator of the Federal Aviation Administration notifies Congress that aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area which are likely to be conducted after enactment of this Act can be accommodated in full compliance with Federal Aviation Administration safety standards in accordance with section 40101 of title 49, United States Code, and, based on current expectations, without adverse effect on use of airspace in such area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida (Mr. MICA) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

Mr. SENSENBRENNER. Mr. Speaker, is the gentlewoman from Texas opposed to the motion? If not, I demand the time in opposition.

The SPEAKER pro tempore. Does the gentlewoman from Texas favor the motion?

Ms. EDDIE BERNICE JOHNSON of Texas. Yes.

The SPEAKER pro tempore. On that basis, the gentleman from Wisconsin (Mr. SENSENBRENNER) will control the 20 minutes in opposition.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 3661.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3661, which is known as the Wright Amendment Reform Act of 2006. This bill passed the Senate just a few hours ago by unanimous consent.

This legislation is exactly identical to H.R. 6228 which was introduced by the House Transportation and Infrastructure chairman, the Honorable Don Young, and ranking member, the Honorable James Oberstar, and by several Members of the Texas delegation, including Representatives EDDIE BERNICE JOHNSON, KENNY MARCHANT, KAY GRANGER, JOE BARTON, MIKE BURGESS, CHET EDWARDS, RALPH HALL, SAM JOHNSON and also PETE SESSIONS.

First, I want to commend my colleagues from the Texas delegation for working together to help foster this amendment that is the basis for this legislation.

This legislation, Senate bill 3661, would implement a locally initiated and locally approved agreement that seeks to change and eventually eliminate what has been commonly known as the Wright amendment which, in fact, has restricted commercial air passenger service out of Dallas Love Field for over three decades.

This is an anticompetitive law, and it has resulted in higher air fares and fewer service options for consumers for some decades now. It seems that the only beneficiary of the Wright amendment has been the small army of lawyers hired by the affected cities and airlines to litigate almost every aspect of this poorly conceived law.

Earlier this year, members of the congressional delegation, along with the mayors, the airlines and others came together and reached a consensus agreement on July 11, 2006.

This bill crafts a number of important provisions that will open service again and some of the wrong restric-

tions imposed by the Wright amendment.

Mr. Speaker, I would like to see the Wright amendment repealed immediately. However, in my opinion, this is our best option.

The political reality is that without this legislation, the 35-year-old "Cold War" waged by the affected cities, airlines and communities will continue indefinitely.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1972, Justice Thurgood Marshall wrote the following in the case of *United States v. Topco Associates, Inc.*: "Antitrust laws in general, and the Sherman Act in particular, are the Magna Carta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms. And the freedom guaranteed each and every business, no matter how small, is the freedom to compete, to assert with vigor, imagination, devotion, and ingenuity whatever economic muscle it can muster."

Mr. Speaker, I rise in opposition to this legislation. The Wright amendment is anticompetitive, there is no doubt about it, and it has increased the cost of long-distance travel to people who live in the Dallas-Fort Worth area by as much as a third as compared to other markets with other airlines.

What this legislation does is continue vestiges of the Wright amendment and its anticompetition policy on until at least the year 2025. If we think the Wright amendment is bad, we should get rid of it once and for all, and remember, Congress imposed the Wright amendment back over 15 years ago.

Now, what this bill does is it codifies an agreement among private and local government parties that constitute per se violations of the antitrust laws. With limited exceptions, the Wright amendment expressly insulates Dallas-Fort Worth from interstate international air passenger competition from Dallas Love Field.

Now, let us stop and think about this because this bill would provide a congressional approval, requiring the demolition of existing gates at Love Field, some of which are privately owned and utilized by airlines to offer additional air passenger service to points across the United States.

The agreement also prohibits Southwest Airlines from offering service from the DFW Airport until 2025 and limits the ability of all airlines to offer service from Love Field and maintains a ban on most interstate flights from Love Field to 42 States. Now, that means if you live in the 42 States that this bill seeks to protect, you are going to pay more to come to Dallas-Ft. Worth, no two ways about it.

There was a memo leaked out of the Justice Department that says that this

agreement, which allows Southwest to stay out of DFW for 19 years, would be a hard core per se violation of the Sherman Act.

Now, proponents of this bill will claim that the antitrust laws are unaffected by it and do not be fooled. Why? According to 54 American Jurisprudence 2d, Monopolies and Restraints of Trade, No. 243, the Hornbook on antitrust law, says: "In determining whether subsequent Federal legislation has granted immunity from the antitrust laws, a court should reconcile the operation of both statutory schemes, where this is possible."

A court looking to this legislation will be forced to ignore the antitrust laws because the legislation contains mandatory obligations that the parties engage in contact that violates the per se violations of the antitrust laws.

So this compromise is a compromise in name only, and the result is exactly the same, creating implied antitrust immunity by eliminating a cause of action for conduct that presents a clear violation of the antitrust laws.

Now, we are going to hear that the Wright amendment is a local issue, and they are right. It is a local issue for the Members of Congress who represent the 42 States whose residents are held captive by the anticompetitive output restriction/cartel that this legislation perpetuates.

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We have got to have the courage to stand up for consumers, our constituents who vote for us, and adopt the pro-competitive goals of the Airline Deregulation Act by defeating this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, may I inquire as to how much time the gentleman has remaining and also how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 17 minutes remaining, and the gentleman from Wisconsin has 15 minutes remaining.

Mr. MICA. Mr. Speaker, I am pleased to yield 10 minutes to the gentlewoman from Texas, and I ask unanimous consent that she be able to control those 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of Senate bill 3661. The bill passed by the Senate earlier today mirrors House bill 6228 previously scheduled for consideration today.

At the outset, I want to extend my thanks to Chairman YOUNG and Ranking Member OBERSTAR, Subcommittee

Chairman MICA and Ranking Member COSTELLO for their cooperation and support throughout this process. Each of you, in addition to the committee staff, has been extremely helpful in accommodating the requests of myself and north Texas colleagues, and I am truly appreciative.

The road leading to this point has been long and arduous, but I am delighted that the bill before us today represents a bipartisan piece of sound legislation. The bill's fundamental objective is to open the north Texas market to more competition in air transportation, not to further restrict it, despite the claims of some.

This bill phases out the Wright amendment completely in 8 years, offers immediate thru-ticketing in and out of Love Field, saving consumers an estimated \$259 million annually. It will generate over \$2 billion annually in spending and related economic activity for north Texas and for many communities outside the current Wright amendment parameter.

It opens Love Field in a responsible way, ensuring resolution of Love Field-area residents' concerns over noise, traffic, and safety for the area.

It protects safety by prohibiting the legislation from taking effect until the Federal Aviation Administration notifies Congress that the additional aviation operations in the Dallas/Fort Worth/Love Field airspace expected as a result of this Act can be conducted safely and without adverse effect on airspace use.

It protects competition by preserving the FAA's authority to enforce airport rules that obligate Love Field to make its facilities available on a reasonable and nondiscriminatory basis to new entrant carriers, and stimulates competition and travel commerce throughout the United States.

This bill is important to north Texas, the aviation community at large, and particularly my constituents, as Dallas Love Field Airport is located within the heart of my congressional district.

Two months ago, the city of Dallas, the city of Fort Worth, Southwest Airlines, American Airlines, and Dallas/Fort Worth International Airport reached a compromise to resolve longstanding issues regarding the Wright amendment.

As many of you know, the three-decade-old legislation imposes long-haul flight restrictions to and from Dallas Love Field Airport. The agreement marks an important milestone, as efforts to repeal the restrictions over the past decades have served as a major point of contention among north Texas stakeholders and the aviation community at large.

To have all the aforementioned entities in solidarity behind this compromise that ultimately lifts long-haul flight restrictions at Dallas Love Field is nothing short of amazing.

I would like to impress the following upon my colleagues: It is important to note that the Wright amendment was a

direct result of a community-crafted compromise between the cities of Dallas and Fort Worth, Texas, regarding two north Texas airports.

Thirty years ago, north Texas, upon the recommendation of the Civil Aeronautics Board, decided that DFW Airport would be the region's primary air travel investment. This decision is captured in the 1968 Regional Airport Concurrent Bond Ordinance, which I will enter into the RECORD.

In lieu of closing Love Field, the Wright amendment was crafted to protect the interests of the Dallas/Fort Worth Airport as well as those of Southwest Airlines. As the agreement said, that commercial traffic would close at the time that D/FW opened. The balance between our two airports as a result of the Wright amendment has served this region well.

These airports are eight miles apart. Dallas/Fort Worth International Airport and Love Field Airport are vital components to the overall health and success of the regional economy. Respectively, they rank third and fifty-fifth nationally in terms of total traffic enplanements. As such, I have felt quite strongly that any policy decision regarding the Wright amendment that could have implications for future aviation in north Texas should not be carried out without the input of the localities directly involved; and I have asked over and over again for the last 20 years to have the local entities to come to an agreement.

My position has not always gone over well within certain segments of my constituency, but, for the record, I would like to reiterate that I am not anti-competitive, I am not anti-lower fares, I would be stupid to do that, nor am I anti-free enterprise. I am, however, pro principle. And it has always been my belief that the Wright amendment exists as a principled agreement between these two cities.

Each time the subject of repeal of the Wright amendment has arisen, it has placed the cities of Dallas and Fort Worth, 27 miles apart, on guard against each other because it violates the agreement. Over the past decades, this issue has created much grief, litigation, and oftentimes flat-out distrust among the cities of Dallas and Fort Worth. This type of back and forth over the past 30 years has not been healthy for north Texas, as we have many pressing challenges that require us to work together in good faith if we are to be successful as a region.

Mr. Speaker, I support the compromise. The compromise outlined within Senate Bill 3661 requires give and take of all vested stakeholders. But, most importantly, Mr. Speaker, the measure represents a unified local consensus of which I am most proud.

Further, many homeowners and constituent groups that live and work within the Love Field area also support this compromise.

As I close, I want to commend the cities of Dallas and Fort Worth for

coming to the table and acting in good faith to bring forth a compromise that I hope will allow us to once and for all bring an end to one of aviation's most storied standoffs.

Is the compromise perfect? No. But I do feel it represents one of the best chances we as a region have to finally bring resolution to a long-standing dispute. I want to urge my colleagues to join me in voting "yes" on this bill.

Congressional leaders have long urged the cities of Fort Worth and Dallas to come together and work toward a local compromise. This not only was instructed by two Secretaries of Transportation, the last two under the last two Presidents, but others as well to resolve the long-standing and divisive controversy over the Wright amendment. The communities have responded, and they are deserving of this body's support.

1968 REGIONAL AIRPORT CONCURRENT BOND  
ORDINANCE

AUTHORIZING THE ISSUANCE OF DALLAS-FORT  
WORTH REGIONAL AIRPORT JOINT REVENUE  
BONDS INITIAL ISSUES—\$35,000,000

ADOPTED BY THE CITY COUNCILS OF THE CITY  
OF DALLAS, TEXAS AND THE CITY OF FORT  
WORTH, TEXAS

EFFECTIVE AS OF NOVEMBER 12, 1968

CITY OF DALLAS ORDINANCE, No. 12352

CITY OF FORT WORTH ORDINANCE, No. 6021

An Ordinance adopted concurrently by the City Councils, respectively, of the Cities of Dallas and Fort Worth, authorizing the issuance of Dallas-Fort Worth Regional Airport Joint Revenue Bonds, Series 1968, in the aggregate principal amount of \$35,000,000 for the purpose of defraying in part the cost of constructing, equipping and otherwise improving the jointly owned Dallas-Fort Worth Regional Airport of the Cities; providing for the security and payment of said bonds from the revenues derived from the operation of said Airport and in certain instances from other airport revenues of the Cities; providing that the same shall not be payable from taxation; providing the form, terms and conditions of such bonds and the manner of their execution; providing covenants and commitments regarding the payment of said bonds, the construction of said Regional Airport, and the maintenance and operation thereof when constructed including the pledge to such operation and maintenance purposes of the tax authorized by law; containing covenants against competition; and covenants regarding transfers of airport properties; providing other details concerning such bonds and such Airport, including the reserved power to issue additional joint revenue bonds, and the subordination thereof to the lien and pledge securing other outstanding and future issues of airport revenue bonds of the Cities: providing for the deposit of the proceeds of such bonds into the Construction Fund of the Joint Airport Fund under and subject to the control of the Dallas-Fort Worth Regional Airport Board; authorizing said Board to see to the delivery of said bonds as herein directed and directing that due observance of the covenants herein contained be made by the Board to the extent such covenants are performable by it; providing and describing events of default and the consequences thereof; providing a method of amending this ordinance; ordain-

ing other matters incident and relating to the subject and purpose hereof; and declaring an emergency.

Whereas, the Cities of Dallas and Fort Worth have heretofore determined that the present commercial aviation and airport facilities of the Cities, specifically Love Field Airport (hereinafter called and defined as "Love Field") of the City of Dallas and Greater Southwest International Airport (hereinafter called and defined as "GSLA") of the City of Fort Worth, are wholly inadequate to meet the foreseeable commercial aviation needs of the citizens of the Cities and the residents and citizens of the entire North Central Texas Region; and

Whereas, the Cities have further found and determined that the most effective, economic and efficient means of providing needed airport facilities is the construction and equipment of a centrally located airport for the Cities and to that end by an agreement entitled and hereinafter defined as the "Contract and Agreement," the Cities continued, expanded and further defined the powers and duties of the Dallas-Fort Worth Regional Airport Board (hereinafter defined as the "Board" or "Regional Airport Board") theretofore created; created the Joint Airport Fund of the Cities; and provided for the construction and operation of an airport to be known as the "Dallas-Fort Worth Regional Airport"; and

Whereas, in accordance with the requirements of the Contract and Agreement, the Board has submitted to the City Councils of the Cities a report containing its over-all preliminary plan for the construction of said Regional Airport which plan preliminarily defines and sets forth the estimated, partial cost thereof, together with statements of its projected size, scope and location; and

Whereas, the City Councils have each, by duly adopted resolution, approved said plan within the context of the Contract and Agreement, and accordingly the Cities, having been requested so to do by the Board in the manner contemplated by the Contract and Agreement, propose to proceed with the financing of the Regional Airport through the issuance of the joint revenue bonds contemplated by the Contract and Agreement, all in accordance with Article 1269j-5, Article 1269j-5.1, Article 1269j-5.2, Article 46d, and other applicable provisions of Texas Revised Civil Statutes, as amended; and

Whereas, the City Councils have each found and determined as to each that the matters to which this Ordinance relates are matters of imperative public need and necessity in the protection of the health, safety and morals of the citizens of each of the Cities and, as such, that this Ordinance is an emergency measure and shall be effective as to each City respectively upon its adoption by its City Council;

Now, Therefore, Be It Ordained by the City Council of The City of Dallas, Texas:

Now, Therefore, Be It Ordained by the City Council of The City of Fort Worth, Texas.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Texas (Mr. BARTON), who is also Chairman of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Speaker, I am told that the gentlewoman from Dallas (Ms. EDDIE BERNICE JOHNSON) will also yield me 1 minute. If that is true, could she yield it at this time so I can do my speech at one time?

Mr. SENSENBRENNER. Mr. Speaker, the big-hearted gentleman from Wisconsin yields an additional 1 minute to my friend from Texas.

Mr. BARTON of Texas. Thank you, Chairman SENSENBRENNER.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee for his gracious offer; and I rise today in strong support of Senate 3661, the Wright amendment compromise of 2006. I want to use the brief time that I have to explain what the compromise is all about.

Back in the 1960s, the two cities of Dallas and Fort Worth could not agree on anything, including where to locate their two respective airports. The Civil Aeronautics Administration said we will fund one Federal Aviation airport in the D/FW area but not two. That brought the two cities together to create what is now known as Dallas/Fort Worth Airport.

When a struggling airline called Southwest decided to fly their one plane out of Love Field to Houston and to San Antonio, they went to court and won the right to fly commercial air service out of Love Field, which had been suspended when D/FW came into existence. Hence, we got what is called the Wright compromise, which restricted flights from Love Field to an area within Texas or States contiguous to Texas.

Today, D/FW Airport is one of the five largest commercial aviation airports in the country. Love Field is a regional airport that currently has in use, I believe, 13 gates and several hundred flights per day. The compromise before us would repeal the Wright amendment over an 8-year period. It would allow thru-ticketing immediately from Love Field, and it would create what I call a super-regional airport, where the majority of the gates, over 100 gates, would be at D/FW, and no more than 20 gates would be at Love Field, which, as Congressman JOHNSON pointed out, is only eight miles from the eastern-most runway at D/FW.

There are currently only in use at Love Field 13 gates. So this limitation, so-called, of 20 gates, would actually allow an expansion of gates in actual use at Love Field. There are more empty gates at D/FW right now today than there are total gates at Love Field.

This compromise is supported by almost every member of the Texas delegation and may yet be supported by every member of the delegation. It would put to bed an issue that has been vexatious for a number of years, in fact, you could say a number of decades.

I know my good friend from the Judiciary Committee has some antitrust exemptions, but again I will point out there are more empty gates at D/FW than there are total gates at Love. This would be pro-competitive.

Mr. Speaker, I rise today in strong support of S. 3661, "The Wright Amendment Reform

Act.” This is a very timely bill that will help resolve, once and for all, a local dispute stemming from the Wright Amendment. What we are doing here today is important to my constituents and the north Texas region.

I want to thank the Speaker and the Majority Leader for their willingness to schedule this legislation. I also want to give special thanks to Chairman DON YOUNG; Ranking Member OBERSTAR; and Subcommittee Chairman MICA for their leadership and excellent contributions in crafting this responsible and beneficial compromise into legislation. Their committee staff members also deserve a big, Texas “Thank You” for all of their hard work and support in this effort. I also want to thank my staff director, Theresa Lavery, for her tireless work on this issue.

As you may know, I have long supported the covenant between the cities of Dallas and Fort Worth because I believe the best public policy for the north Texas market is to have competing airlines, not competing airports. Today’s legislation embodies a compromise intended to firmly cement the role of Dallas-Fort Worth International Airport and Love Field Airport, and put to rest calls for immediate repeal of the Wright Amendment.

This bill, once signed into law, will give our region and the traveling public resolution on this issue and leave time for public and private stakeholders to plan for final repeal in eight years. In the interim, consumers across the Nation will reap the benefits of immediate thru-ticketing at Love Field.

The compromise was hammered out in a deliberative fashion, considering valid concerns and unique factors of operation that have benefited the growth of the Dallas-Fort Worth metroplex since enactment of the Wright Amendment. This bill is a balanced compromise that has the support of Dallas and Fort Worth, as co-owners of DFW Airport.

Finally, this agreement ensures that Love Field will continue to offer an important alternative for consumers while not diminishing the capacity for competition available at DFW Airport. Growth at Love Field is restricted, as it is a land-locked airport and therefore should not be reconstituted for greater traffic with repeal of the Wright Amendment. Love Field will be reduced to 20 gates over time, and this will allow the residents of the area peace of mind concerning pollution, noise, traffic, and safety concerns.

I view this agreement as facilitating a “super” airport, where the terminals at DFW Airport serve national and international destinations, and Love Field’s gates provide a regional function with select national routes offering direct competition via thru-ticketing. Importantly, after eight years the Wright Amendment as it exists today will be repealed. This is truly the best of both worlds for consumers in Texas and throughout the country.

Mr. Speaker, local leaders have negotiated a thoughtful, viable alternative to the status quo that should be supported. I commend everyone involved for their efforts. I urge my colleagues to support S. 3661.

My fellow north Texas colleague, Congressman BURGESS, has traveled to Texas today for the funeral of his friend, Byron Nelson, but he would like me to express his support for S. 3661. As a representative of DFW International Airport, he feels strongly in protecting the economic engine of north Texas. While he believes in the integrity of the original Wright

Amendment, he is pleased that the local entities’ constructed a compromise that met the needs and wishes of all parties. Not only will the airports and airlines benefit from the compromise but also the tens of thousands of employees and residents of north Texas.

Mr. Speaker, I certainly hope we will get a two-thirds vote, and I again thank Mr. SENSENBRENNER for yielding me 1 minute.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker and members of the various committees that are on the floor, before I begin my comments it is my observation that this may be the last bill that the House Judiciary Committee may be involved in until we adjourn, and so it becomes my responsibility as the ranking member to commend Chairman JAMES SENSENBRENNER for his efforts as chairman over almost the last 6 years.

He has been on the Committee of Judiciary for many years, and I have had the honor to serve and work with him throughout his career on the House Judiciary Committee. He has worked hard all the way up to the title of chairman.

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It has than been my pleasure and honor to join with him, and I would like to just take a moment to tell you why I am making this statement.

The first thing that comes to my mind is the fact that he has done a stellar job in protecting the jurisdiction of the Judiciary Committee. In doing so, he has brought us more work than anybody ever has. We handled more bills than almost any but one committee. And he has been willing to stand up to special interests wherever his convictions lead him.

Secondly, I commend this chairman for his willingness to protect the integrity of our antitrust laws and fight for competition. Time and time again, whether it was in sports, transportation or telecommunication, I have been proud to work with him together to ensure that America’s consumers were protected from unfair competition.

Finally, I will never forget the unstinting work that he has put in voter rights legislation, starting back in 1982 when we reauthorized it, and certainly in 2006 where, without his strong leadership, we would not have been able to forge a bipartisan coalition to pass the bill, stronger and with greater ease in both bodies, than we have ever been able to do before. There is no doubt in my mind that he has been a leading, stalwart supporter of voting rights and its enforcement for all Americans throughout his career.

I salute the chairman of the House Judiciary Committee for his many years of service, particularly his leadership as chairman.

Now, Mr. Speaker, if I may return to the measure before us, because I am

impressed with the argument that has been propounded by all my friends here, particularly the gentlewoman from Dallas, that there is no intent in this bill’s language to provide antitrust immunity.

I take everyone at their word, of course, and if that is so, I am disappointed that the antitrust savings clause drafted by the House Judiciary Committee has been eliminated. It has disappeared. We voted this measure out with an antitrust provision. It has come back to us today, just hot off the press from the other body, and there is no antitrust provision. There has not been a sufficient amount of discussion about that.

Now, we are all “anti” a lot of things, but I want you to know I am not anti-consumer. These things called “consumers,” you know, are the people in every district that are the ones called upon to vote and expend their resources on everything, including air travel.

Mr. Speaker, I love Dallas, Texas. I don’t know much about Fort Worth, but I even get invited there from time to time, and I enjoy it very much.

By the way, I want to mention the former Speaker of the House for whom this amendment is named is someone who is remembered for his great work, not only as a leader in the Congress from Texas but as the Speaker of the House himself.

So, Mr. Speaker, to me, we have got a bit of difficulty here that may be resolved by restoring the antitrust exemption. We put it in before. Most of the Members that I am looking at have never expressed any hostility toward the antitrust exemption itself. This agreement between private parties missing the antitrust exemption is a very questionable act that we are about to do in the closing hours of this session.

We, with the chairman of the Judiciary Committee’s leadership, amended the original bill to include the anti-savings clause, but this so-called new bill, hot off the press, doesn’t contain such protections. It has never been considered by either the Transportation Committee or the Judiciary Committee. It was drafted, and just recently, I don’t know what hour of the day or night, something happened in the other body, but it has not been considered by any committee on either side of the Capitol.

This new bill and the agreement preserves the Wright amendment for 8 more years, restricts the number of gates; and, if it weren’t for this antitrust scrutiny, it seems to me that we would all be able to agree on supporting this measure.

So I rise very reluctantly, but nevertheless I have to do it. As I have said, I am not anti-consumer. The Consumers Union has guided some of my views in this matter.

Mr. Speaker, I include for the record a letter from the Consumers Union, Gene Kimmelman, Vice President, as

well as an article from the Washington Post, "Low-Fare, and Now No-Fair."

CONSUMER FEDERATION OF AMERICA,  
September 29, 2006.

DEAR MEMBER OF CONGRESS: We are writing to urge you to stand with American consumers by voting "No" today on H.R. 6228, the "Wright Amendment" legislation. This bill codifies a private agreement between American Airlines and Southwest Airlines, along with the cities of Dallas, Ft. Worth and Dallas/Fort Worth Airport, to divide up the airline market for Dallas at the expense of the flying public. The Antitrust Division of the U.S. Department of Justice has called the bill a "per se" violation of the antitrust laws.

The proponents of H.R. 6228 are employing extraordinary tactics to bring this anti-consumer and anticompetitive legislation to a vote in the final hours prior to adjournment. In fact, the language of H.R. 6228 has never been considered by the Transportation and Infrastructure Committee, nor the Judiciary Committee. Even more objectionable, however, is the fact that H.R. 6228 completely ignores the vital work of the Judiciary Committee to strike the "deal's" antitrust immunity provisions.

The Judiciary Committee approved an amendment by Chairman Sensenbrenner and Ranking Member Conyers that would at least ensure that the bill comply with the nation's antitrust laws—laws enacted to protect consumers from this very type of special interest legislation. Instead of honoring these important amendments, the bill's proponents now bring this unacceptable version to the House floor under suspension of the rules. Erasing the important work of the committee charged with protecting consumers from anticompetitive behavior would constitute a breakdown of rational governance in the House of Representatives.

Passage of H.R. 6228 would not only harm consumers and competition in the Southeast and Southwest, it would be an affront to citizens across the nation. We agree with the attached column from The Washington Post which states, "The loser (in this deal), of course, was the only party with no seat at the negotiating table—namely, consumers. Any consumer representative would have immediately recognized the deal for what it is—collusion between two dominant competitors to limit supply, carve up a market and keep out other competitors. In other words, a flagrant violation of the antitrust laws."

As you and your colleagues work to conclude your business before the November elections, please don't forget about American consumers. With this assault on the anti-trust laws, a bad bill that affects an important part of the country has become one of national significance. We urge you to vote "No" today on H.R. 6228.

Thank you for considering our views.

Sincerely,

GENE KIMMELMAN,  
Vice President, Federal and International Relations,  
Consumers Union.

MARK COOPER,  
Research Director,  
Consumer Federation of America.

[From The Washington Post, July 28, 2006]

LOW-FARE, AND NOW NO-FAIR

(By Steven Pearlstein)

It's been one of the longest-running David and Goliath stories in American business.

Back in 1971, a scrappy, low-fare airline named Southwest started service from

Dallas's Love Field, challenging American Airlines on its home turf and turning its back on the big new Dallas-Fort Worth International Airport, the pet project of the region's political and business establishment. Years of litigation ensued as American and DFW tried in vain to use the courts to deny Southwest access to Love Field. Then Jim Wright, a Texas congressman and the House majority leader at the time, attached a tiny little rider to an unrelated piece of legislation that limited flights from Love Field to destinations in Texas and four surrounding states.

Southwest soldiered on anyway, growing from its Dallas roots to revolutionize American commercial aviation with cheap airfares from other "secondary" airports.

But the Wright amendment always stuck in the craw of Southwest's Herb Kelleher. So two years ago, the airline's chairman launched an advertising and lobbying blitz to get it repealed—"Wright is wrong" was the catchy slogan. The public began to get behind it, and some members of Congress took notice—among them Sen. Kit Bond of Missouri, who pushed through a little rider of his own adding St. Louis to the list of approved Love Field destinations. Fares between the two cities plunged and traffic soared.

Sensing the ground was shifting, American and the mayors of Dallas and Fort Worth opened discussions with Southwest. Last month, they announced they had finally struck a deal.

The agreement is premised on Congress repealing the Wright amendment in 2014. Under the deal, Love Field would be reduced from 32 to 20 gates, with 16 going to Southwest, the others to American and Continental. In the meantime, Southwest could offer one-stop flights and fares from Love to anywhere it wanted. And to top it off, both American and Southwest agreed, in effect, that they wouldn't add to the total number of gates in the Dallas region.

It was, certainly, a good deal for American, which managed to put off the biggest threat to its fortress hub at DFW since the Justice Department took it to court in 1999, accusing it of using predatory practices to crush competition there. (That case got thrown out, alas.)

It was also a sweet deal for Southwest, which could add significantly to its Dallas traffic while keeping JetBlue or some new upstart from challenging its domination at Love Field.

Perhaps the biggest winner of all, however, was DFW, which was already reeling from Delta Air Lines' decision to close its Dallas hub and was desperate not to lose more traffic to Love.

The loser, of course, was the only party with no seat at the negotiating table—namely, consumers. They would have to wait another eight years for full repeal of the Wright amendment, and even then, there would not be the kind of robust competition that has produced airfares elsewhere that are half of what they are in and out of DFW.

Any consumer representative would have immediately recognized the deal for what it was—collusion between two dominant competitors to limit supply, carve up a market and keep out other competitors. In other words, a flagrant violation of antitrust laws. That's why, when legislation was introduced this month by Texas Sen. Kay Bailey Hutchison to codify the deal, it contained a blanket antitrust exemption.

Normally a free-market Republican, Hutchison defends this deal as a local solution to a seemingly endless local dispute, preferable to anything Washington might come up with. And from a competition standpoint, it's certainly better than the status quo.

How much better, however, is open to debate. An unnamed staff attorney at the Justice Department's antitrust division wrote in a review of the legislation that it "narrowly benefits the area's two dominant airlines at the expense of everyone who would benefit from real competition."

Meanwhile, several airlines voiced opposition. "We are concerned when any number of carriers get together to decide how big an airport should be and who should operate at that airport," said Ed Faberman, executive director of the Air Carrier Association of America.

All of this flak has set back Hutchison's plans to fast-track the legislation through Congress. Rep. James Sensenbrenner, chairman of the House Judiciary Committee, demanded this week that the legislation be referred to his committee rather than brought up on voice vote as uncontroversial. And in the Senate, Vermont Democrat Patrick Leahy promised a parliamentary challenge to Hutchison's plan to tack it onto an appropriations bill.

Back in Dallas, meanwhile, Southwest is struggling to square its starring role in "Wright Redux" with its image as an evangelist for "unfettered airline competition." Company officials adamantly reject the idea that the agreement will make it harder for other low-cost carriers to enter the market.

"Any airline that wants to serve the [region] can go to DFW today and fly anywhere they want," spokesman Ed Stewart explained to the Fort Worth Star-Telegram.

Funny. That's almost word for word what American used to say in defending the Wright amendment against criticism from Southwest.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I had two concerns about the agreement that came from the two cities. The first was safety.

Years ago, I held hearings when I chaired the Aviation Subcommittee on Safety at Love Field, between Love Field and Dallas. There are only 2 miles of air space in the approach and departure patterns of those two airports. I was concerned that removing the limitations on operations at Love Field would create greater safety concerns than they did at the time. Since then, the FAA has fixed the safety issue with an innovative departure and arrival arrangement that will assure safety, provided there is no increase in operations.

That leads us to the second issue, and that is competition. The agreement limits the number of gates to 20. That is something that local citizens are concerned about, noise, safety, congestion. Congress has a right to act on safety and on noise and to limit operations in the interests of safety and of noise, without infringing upon the antitrust issue. In fact, the language that we have before us is an improvement over the agreement of the two cities that in fact would have had antitrust implications.

So the antitrust exemption has been removed, but the bill directs action and closing of gates, which is an authority Congress has, in the interest of safety and congestion.

Mr. Speaker, I rise in support of H.R. 6228, The Wright Amendment Reform Act, which would implement the agreement reached by the Cities of Dallas and Fort Worth, the Dallas/Fort Worth International Airport Board, American Airlines and Southwest Airlines to reform the so-called "Wright Amendment."

The Wright Amendment was an effort by our former colleague, Jim Wright, then Majority Leader, later, Speaker Wright, to codify an agreement reached in 1979 among the Dallas and Fort Worth business and political communities, and Southwest Airlines, which resisted efforts to move its operations to the newly opened Dallas/Fort Worth (DFW) Airport. This agreement ensured that DFW would be the primary airport for the DFW metropolitan region, and that Love Field would remain a limited, short haul airport.

Recently, the Dallas and Fort Worth communities, along with American Airlines and Southwest Airlines, came forward with a new agreement that would, in their view, make repealing the Wright Amendment acceptable.

The Transportation & Infrastructure Committee has chosen to deal with the issues surrounding the Wright Amendment legislatively, rather than allow it to erode piecemeal as it has over the years, without a view to the larger national aviation context. The "stakeholders" in this process are not just the Cities of Dallas and Fort Worth, the airlines, nor the airport authorities. The "stakeholders" are all Americans.

If you approve a law for an additional highway on the East Coast, it does not do much for traffic on the West Coast. However, if you approve a law for additional feet of runway at an airport on the East Coast, it does make traffic from the West Coast more accessible to the East Coast because of the nature of air travel. Similarly, dealing with DFW and Love Field is a national matter.

H.R. 6228, would implement three core provisions of the parties' contract: to repeal the Wright Amendment 8 years after enactment of this Act; eliminate the restrictions on through-ticketing from Love Field; and to cap the Love Field gates at 20 in perpetuity.

Importantly, the bill addresses two very significant issues that I raised in Committee: safety and new entrant access.

Love Field is approximately 8 miles from DFW. In 1991, when I served as Chairman of the Aviation Subcommittee, I held a hearing during which significant safety concerns were raised regarding the potential expansion of flights at Love Field. Many witnesses attending that hearing expressed concern that the proximity of approach and departure procedures to and from both DFW and Love Field, along with conflicting flight patterns, could decrease the margin of safety.

While I have the utmost confidence in our nation's air traffic controllers, I want to ensure that by adding more flights at Love Field, we are not reducing the cushion of safety. Controllers should not need to slow air traffic to accommodate the safety margin, nor should they be compelled to operate at the outside of the power curve to avoid delays in and around the Dallas-Fort Worth area.

H.R. 6228 addresses this very significant issue by including a provision that prohibits the legislation from taking effect until the Federal Aviation Administration (FAA) notifies Congress that additional aviation operations in the airspace serving Love Field and the Dal-

las-Fort Worth area, which are likely to be conducted after the enactment of this Act, can be accommodated in full compliance with FAA safety standards, in accordance with the FAA's mandate to maintain safety at the highest possible level, and without adverse effect on airspace use in the area.

The second issue is competition. The agreement would change the gate availability at Love Field to greatly increase the difficulty of any carrier other than Southwest or American to serve Love Field. Currently, there are 32 gates at Love Field, with 19 in use, and 13 available for new entrants. The agreement would reduce the gates to 20, and allocate all of these gates to American, Southwest, and Continental. To ensure that a prospective new carrier would have reasonable access to these 20 gates at Love Field, H.R. 6228 preserves the FAA's authority to enforce grant assurances that obligate Love Field to make its facilities available on a reasonable and non-discriminatory basis.

Further, Love Field continues to be subject to all federal requirements relating to safety, security, labor, environmental, civil rights, small business concerns, veteran's preference, disability access and revenue diversion that are applicable to all airports.

As to antitrust issues, this legislation does not implicitly or explicitly provide antitrust immunity to the parties. However, the legislation directs the City of Dallas to reduce the number of operational gates to no more than 20, which includes the removal of the 6 so-called Lemmon Avenue gates, and allows the City to allocate the use of the remaining gates based on existing leases and obligations. These directives could be advanced as a defense in an antitrust case.

Accordingly, I want to thank the Chairman YOUNG and the Texas delegation for working with me on this legislation to ensure that my concerns on safety and new entrant access are addressed and I urge my colleagues to support H.R. 6228.

#### WRIGHT AMENDMENT REFORM ACT ANTITRUST BULLETS

The Judiciary Committee opposed the original bill reported by the Transportation Committee because our bill included an exemption from the antitrust laws. To meet this concern the bill has been modified to remove the exemption. This change met the antitrust concerns of the Chairman of Senate Judiciary who now supports the bill.

The House Judiciary Committee Chair argues that even though the antitrust exemption has been removed, the bill still directs actions, such as the closing of gates, which would violate the antitrust laws if done by agreement of private parties. This is not a valid argument. Congress has the authority to direct the closing of gates for safety, environmental or economic reasons, even if private parties would not be allowed to do this under the anti-trust laws. The antitrust laws are only Congressional legislation, and Congress can pass subsequent legislation creating exceptions.

Mr. MICA. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Texas (Ms. GRANGER), one of the prime crafters and initiators of this compromise agreement.

Ms. GRANGER. Mr. Speaker, I would first like to thank the House Transportation Committee for their work on this bill and the leadership of Chairman DON YOUNG, Ranking Member

OBERSTAR and Aviation Subcommittee Chairman MICA.

Also, I want to thank the Speaker and Majority Leader for working so hard to get this bill done and on the floor.

All of the Texas delegation, including our two Senators, have played a part in making this bill possible; and the five stakeholders, the cities of Dallas and Fort Worth, American and Southwest Airlines and Dallas-Fort Worth International Airport, have all come together in really an unprecedented way to forge an agreement and get this issue behind us.

The Mayors of Fort Worth and Dallas and community leaders met from both cities for months putting this agreement together, and they deserve much credit. Everyone gave up something for the better good, and then they gave their product to us to put into law, as is required for this to work.

Having worked and struggled with this issue for 15 years, first as Mayor and then as Congresswoman, I am more than ready to move on to something else and proudly support this legislation and urge a yes vote for its passage.

I also extend to Mr. CONYERS an invitation to come to Fort Worth. You will love it, and they will love you for helping with this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the chairman of the Judiciary Committee.

Mr. Speaker, I have heard the best arguments presented about why this is a good measure: Safety is increased, noise is decreased, congestion is mitigated, competition is increased. Is there anybody on any of the committees that wants to say something about the consumers? Is that something that hasn't been contemplated up until now?

Come on, guys. Give me a break. Consumers consist of everybody in America. They are not just in Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

(Mr. MEEKS of New York asked and was given permission to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, I rise to urge all of my colleagues to support S. 3661. This is a fair and pro-consumer compromise that is in the public's best interests and was passed by unanimous consent this afternoon by the Senate.

Local communities should have input to limit airport size in order to deal with the issues of noise, congestion and safety. Accordingly, this bill respects the desire of the community to make sure that the more urban of its two airports does not become overbearing. Failure to do so will send a signal that the Federal Government is prepared to override every other community that wants to limit the size of its airport facilities to protect the environment for safety reasons.

I urge my colleagues to vote "yes" on S. 3661.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, to my brother from New York, Brother Meeks, this is a pro-consumer compromise that all the consumer organizations that I have consulted and that have consulted me are strenuously opposed to. Can anyone can explain to me how this is a pro-consumer bill?

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Mr. MICA. I am pleased at this time to yield to one of the most distinguished Members, not only of the Texas delegation but of the entire Congress, a real hero, SAM JOHNSON, for 2 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate that. And I thank the gentleman for his opposition. The fact is that you have the whole Lone Star State delegation backing a bill to repeal that outdated Wright amendment.

Back in 1979, Congress created that law. Look at there. That is what those stewardesses were wearing in those days. That is where we were from, and today is a victory for freedom and free enterprise. That was 1979. People had mood rings, Rubik's cubes, smiley face stickers, and pet rocks. Just like this picture, so much has changed since 1979; but the Wright amendment never did.

I want to commend officials in north Texas who worked tirelessly to craft a local compromise that works for all parties involved. For Texans, the traveling public, we are making history. It is not perfect. In my opinion, it doesn't do the job fast enough. But there is one thing I have learned in the people's House: you have got to give a little to get a little.

Here, compromise can save the day, and it gives me great pleasure to come into the 21 century and cast my vote to end the outdated Wright amendment once and for all.

Mr. MICA. Mr. Speaker, I have one additional speaker at this time, another great Texan, a wonderful representative from the State, Mr. SESSIONS. I yield to him 1 minute.

(Mr. SESSIONS asked and was given permission to revise and extend his remarks.)

Mr. SESSIONS. Mr. Speaker, I thank all the gentlemen and ladies who are here on the floor tonight talking about the Wright amendment, that we are going to pass this amendment tonight.

But to answer the gentleman's question from Michigan, the reason why this is a pro-consumer bill is that effective immediately, when the President signs this, every single person that takes off from Love Field will be able to ticket through wherever they want to go. Today, they have to ticket through to an adjacent State that is close to them, they have to get off the airplane, they have to get their bags, and they have to reticket through.

This is a pro-consumer bill. This is the right thing to do. We have come together as a delegation. I am asking for all the Members of the United States Congress to please support the bipartisan attempt between the cities of Dallas and Fort Worth, between the airlines to do something favorable for consumers tonight.

Our majority leader, JOHN BOEHNER, was aware of this issue. It has been a continuing, simmering, boiling issue for the Texas delegation. We have asked that it be brought here. I am asking for everybody's vote. Vote tonight "aye."

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, some nights when I drive out of here and go home, I follow some of my Texas friends out of the garage that have a big bumper sticker that says: "Don't Mess With Texas." Tonight is one of the nights where I think we ought to mess with Texas, because what is being proposed here is going to increase the fares of anybody who goes to Texas or decides to go out of the Dallas-Fort Worth area by a significant amount, because it protects monopoly status until 2025. This is the most anticonsumer, antifree enterprise legislation that has come before this House in a long time.

At Dallas-Fort Worth, approximately 85 percent of all passengers board an American or American Air regional carrier flight. This keeps American's near monopoly at DFW. And at Love Field, Southwest has a 95 percent market share.

Now, without the Wright amendment, both of those market shares are monopolistic. And despite what you hear about how this does away with the Wright amendment, it keeps these monopolies in place until the year 2025.

There has been a lawsuit that has been filed against Love Field by people who are standing up for consumers. This legislation extinguishes that lawsuit. The people who filed their lawsuit won't have a day in court to be able to get a fair determination by the judge, because what it does is it provides a backdoor antitrust exemption.

Now, we have to ask ourselves as elected representatives of the people whether we are going to allow a private group of local officials and business people in any community to come to Congress to get themselves exempted effectively from an antitrust law. What this bill does is it effectively delegates that power on this issue to the people who came to Congress, and they asked us to ratify this agreement. We shouldn't be delegating antitrust immunity to anybody. That should be determined by the court.

So if you believe in the operation of the law and letting people have their day in court, this bill ought to be voted down, particularly if you represent the 42 States that aren't covered by the Wright amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I submit for printing in the RECORD a statement relating to the Wright Amendment Reform Act and the antitrust issues that have been raised, and information relating to how S. 3661 will enhance airline competition and benefit consumers, in response to questions that have been raised in regard to those items.

#### WRIGHT AMENDMENT REFORM ACT— ANTITRUST ISSUES

The Judiciary Committee opposed the original Wright amendment bill (H.R. 5830), which was reported by the Transportation and Infrastructure Committee, because our bill included an exemption from antitrust laws.

To meet the concerns expressed by the Judiciary Committee, S. 3661 has been modified to remove the exemption.

Chairman Sensenbrenner argues that even though the antitrust exemption has been removed, S. 3661 still directs actions, such as the closing of gates, which would violate the antitrust laws if carried out through an agreement of private parties.

This is not a valid argument. Congress has the authority to direct the closing of gates for safety, environmental or economic reasons, even if private parties would not be allowed to do this under the antitrust laws.

#### S. 3661 WILL ENHANCE AIRLINE COMPETITION AND BENEFIT CONSUMERS CONGRESS MUST FIX MESS THAT IT CREATED BY ENACTING AMENDMENT

The Wright amendment was intended to protect the then-new Dallas-Fort Worth International Airport, DFW.

Since DFW is now the third-largest airport in the U.S. in terms of annual passenger enplanements, the Wright amendment is no longer needed.

By restricting commercial air service out of Dallas Love Field to cities in Texas and eight surrounding states, the Wright amendment has resulted in higher fares and fewer service options for consumers in the Dallas-Fort Worth market.

#### IMMEDIATE REPEAL OF WRIGHT AMENDMENT NO VIABLE OPTION

Due to complex and long-standing political, economic and environmental concerns, the ideal solution—immediate repeal of the Wright Amendment—was not supported by the Cities of Dallas and Fort Worth, local communities and affected airlines.

Consequently, S. 3661 represents a locally-generated, bipartisan compromise that balances carefully the interests of the local parties.

#### CONSUMERS WILL BENEFIT IMMEDIATELY UNDER S. 3661

S. 3661 will intensify competition in the entire Dallas-Ft. Worth market by lifting all existing geographic restrictions on commercial air service at Dallas Love Field in eight years.

Two independent studies found that S. 3661 will increase traffic to and from North Texas by 2 million passengers annually and produce \$259 million per year in fare savings immediately.

Airlines serving Dallas Love Field could immediately begin marketing connecting commercial air service from Love Field to cities outside the Wright Amendment's geographic area.

#### 20-GATE LIMITATION AT LOVE FIELD WILL NOT HINDER COMPETITION

Due to safety and environmental concerns raised by local communities, S. 3661 would limit capacity at Dallas Love Field to 20 gates for commercial service.

S. 3661 would not reduce existing capacity at Dallas Love Field, where fewer than 20 gates are currently being used by airlines for commercial air service.

S. 3661 protects existing procedures that ensure any airline seeking to provide new commercial passenger service at Love Field may do so.

In addition to utilizing Dallas Love Field, airlines that wish to provide new commercial service to the Dallas-Fort Worth area can operate at DFW Airport, which is located just eight miles from Love Field and currently has 20 unused gates.

I am pleased now to yield 1 minute to a very distinguished member of the Transportation and Infrastructure Committee, a newer member on the team but has also heard this issue, KENNY MARCHANT, the gentleman from Texas.

Mr. MARCHANT. Mr. Speaker, the Wright amendment is the number one business issue in my district, District 24. American Airlines headquarters and Dallas-Fort Worth International Airport are both based in District 24.

The job statistics speak for themselves: American Airlines has 7,300 employees in my district, and DFW Airport itself has 16,000 jobs. The airport itself is responsible for almost 260,000 jobs in the metroplex. Therefore, it is obvious that the people of my district have a lot riding on this bill.

Mr. Speaker, the Wright amendment was a unique law created for a unique circumstance; therefore, its repeal calls for a unique solution. I think the bill before us today provides just that, and I urge the House to suspend the rules and pass the bill.

Mr. MICA. Mr. Speaker, I am very pleased to yield to the distinguished Chair of the full Transportation and Infrastructure Committee, a gentleman who has helped craft this historic agreement and codify it today, Mr. YOUNG.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding. I want to thank the Texas delegation for working together to bring forth this bill and solving a problem. My job is to solve problems, and this bill does solve a problem. It takes two cities and puts them together, and allows the State to go forward and we won't have this problem before us anymore.

A lot of times we lose sight of solving problems in this body by hanging up on jurisdiction or hanging up on a small clause. But we are the people that write the laws, we create the laws, and we try to make them work.

This is a bill that will take and rectify a mistake, I believe, in the past, and bring both parties together, both cities together, all airlines together, and provide for the service of the people of Texas and this Nation. I urge the passage of this bill.

Mr. COSTELLO. Mr. Speaker, I rise today to support S. 3661, the Wright Amendment Reform Act of 2006.

I'd like to thank Chairman YOUNG, Mr. MICA, Mr. OBERSTAR, and Mr. JOHNSON for their hard work on getting legislative agreement on repealing the Wright amendment. I know there was a lot of "give and take" on both sides to reach this legislative agreement.

In particular, Ms. JOHNSON has been a leader on this matter and she should be commended for her hard work. Without her persistence, we would not be here today.

This legislation seeks to fully repeal the Wright amendment, with several conditions.

In 1979, the cities of Dallas and Fort Worth came together and reached an agreement to have one regional airport—Dallas/Fort Worth International Airport, DFW—thus restricting service at other local airports. This local agreement was codified by congressional action known as the Wright amendment.

The Wright amendment was a logical step when enacted in 1979. It brought stability to the north Texas air market.

As a result, I have supported the Wright amendment as a way to enhance DFW's growth and development. The airport has done its part by fueling the region's economy.

However, today, DFW is far from a small regional airport. As an international airport, its influence is far-reaching and has become a major player in markets that other airlines could not serve from Love Field.

In response, some have sought to repeal the Wright amendment through a piecemeal approach, an approach that is ineffective and very poor policy.

On June 15, 2006, it was announced that American, Southwest, DFW Airport, and the cities of Dallas and Fort Worth worked out a local agreement.

The Aviation Subcommittee held a hearing July 12, 2006, on this historic agreement where many questions, concerns, and issues were addressed.

While S. 3661 addresses many of those concerns, I must say that I have reservations that by accepting this agreement, we are restricting the aviation capacity at Love Field.

Congress, in part, will be making it harder for new airlines to enter the market—5 years, 10 years, or even 20 years from now—by allowing the infrastructure that a new competitor will need at Love Field to be destroyed.

I question the idea of restricting and destroying infrastructure that could be used in the future in order to address a problem today.

I hope the Transportation and Infrastructure Committee and the FAA will closely monitor the implementation of this legislation to ensure consumer protection, economic growth, and competition.

Mr. Speaker, that said, I will support S. 3661.

Mr. BURGESS. Mr. Speaker, I rise today in strong support of S. 3661, the Wright Amendment Reform Act of 2006. As a representative of D/FW International Airport, I have always felt strongly in protecting the economic engine of north Texas. To this day, I still believe in the integrity of the original Wright amendment; however, I am pleased that the local entities' constructed a compromise that met the needs and wishes of all parties. It was long in coming, but thorough in its mission. Not only will the airports and airlines benefit from the compromise but also the tens of thousands of employees and residents of north Texas.

I commend all the parties associated with this historic compromise. At the urging of Congress, Mayor Moncrief of Fort Worth and Mayor Miller of Dallas spent endless hours working on the best deal possible for the region. Together with DFW International Airport, American Airlines, and Southwest Airlines, they brought to Congress an agreement that

will protect and benefit my constituents and allow for better service at Love Field. I sincerely thank the mayors for their commitment and dedication to this delicate and complicated task.

Also, the north Texas delegation has worked endlessly on this matter, and the passage of this legislation today is a testament to the determination and dedication of my colleagues. We have all had to make concessions, but at the end of the day, the enactment of this legislation is crucial for our districts.

I ask for my colleagues to support the north Texas delegation and as we try to solve a unique problem with this unique and important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 3661, the Wright Amendment Reform Act. This legislation implements a locally achieved compromise resolving the longstanding controversy over the 1979 Wright amendment, which imposed Federal restrictions on commercial airline service to and from Dallas Love Field.

I note Mr. Speaker that all of the key stakeholders—Southwest Airlines, Fort Worth, DFW Airport, American Airlines, and the city of Dallas—support the locally achieved Wright amendment compromise and urge Congress to approve this legislation. But as Southwest CEO, Herb Kelleher, states: "The only victor, the only sure fire winner from this locally achieved agreement, is the public—the public citizens who will find it easier and far less expensive to travel to and from North Texas for business and personal reasons; the citizens who will reap vast economic benefits in their communities from enhanced travel and tourism, at a lower cost."

A key component of the compromise is the change in Federal law embodied in the legislation allowing Southwest Airlines to immediately begin selling "through tickets" for travel to and from Dallas Love Field. This change will enable Love Field customers to travel on a one-stop basis to and from cities within our nationwide system which are outside the limited number of States Southwest currently is allowed to serve under the terms of the Wright amendment.

A recent study indicates that through ticketing at Dallas Love Field will increase passengers traveling to and from North Texas by 2 million annually and produce \$259 million per year in fare savings. Additionally, the study found that through ticketing will generate over \$2 billion annually in spending and related economic activity for north Texas and for many communities outside the current Wright amendment perimeter.

Because of through ticketing, the local compromise will have a very significant and widespread economic impact from the beginning. Further, the local compromise calls for the Wright amendment to be repealed in its entirety in 8 years, allowing airlines serving Love Field to fly nonstop to any domestic destination—generating substantial additional economic benefits for consumers nationwide.

Approval of this legislation by the Congress will bring to a close a dispute that preoccupied the Dallas Metroplex for nearly 30 years all the while negatively impacting the rest of the Nation. I applaud Congresswoman EDDIE BERNICE JOHNSON and other members of the Texas congressional delegation for their yeoman work in bringing this saga to a happy

conclusion. I ask my colleagues to join me in supporting this legislation. I ask you to vote for S. 3661.

Mr. HENSARLING. Mr. Speaker, as many know, last year, I authored the Right to Fly Act which would completely and immediately repeal the Wright Amendment. The legislation ignited quite a debate in the metroplex.

Within a year the cities of Dallas and Fort Worth as well as D/FW Airport, American Airlines and Southwest Airlines reached an historic consensus among them. I saluted Mayors Miller and Moncrief for their tenacity and leadership in forging that consensus. Although disappointed, I certainly was not surprised to learn that their plan did not mirror my own. Still, I stood ready to compromise and support a congressional plan that provided immediate "through-ticketing" and full repeal of Wright 8 years later. Then I read the fine print.

Although I respect my Congressional colleagues with differing opinions, in my view, the Wright Amendment is not really repealed under this plan. It is simply repackaged. As a fervent supporter of free markets, I simply believe that the U.S. Congress should not interfere in the market competition between airports.

Still, I have always maintained a willingness to support Wright Amendment repeal plans aside from my own as long as they met a two-fold test: (1) the plan clearly benefits consumers and (2) the plan removes Congress from the business of airport protectionism, which costs us greatly. According to the Department of Transportation, we pay about 1/3 more for long distance airfares.

With respect to consumers, I am concerned that the agreement essentially constitutes an 8 year extension of the current Wright Amendment as opposed to a gradual phase-out. One study indicated that consumers annually pay almost \$700 million extra in airfares due to the Wright Amendment. An 8-year extension would cost consumers an additional \$5 billion—which, even by Washington standards, is a big number and a huge burden to American families.

On the other hand, I believe immediate "through-ticketing" can positively impact competition and airfares. American Airlines and Southwest Airlines commissioned a study—the findings of which I announced at a recent Congressional Hearing on the Wright Amendment—that concluded that through-ticketing can produce \$259 million in fare savings annually. I find it encouraging that consumers could recoup some of their losses from this part of the local agreement.

My main concern is that the agreement does not get Congress out of the business of interfering with airport competition. That is the essence of the Wright Amendment, not the specific interference of perimeter restrictions. For example, in the local agreement, the City of Dallas agrees to reduce the number of gates at Love Field from 32 to 20. Though I might not like it, I respect their right to contractually bind themselves and decide whether Love Field is limited to 20 gates, 10 gates or even shut down. It is their airport.

But I believe it is wrong for the parties to ask Congress to establish into Federal law their private contractual obligations. Those are enforceable in court. By including these privately made agreements in a new federal law, Congress would be replacing one complex set of anti-competitive rules with another. Termi-

nating today's version of the Wright Amendment, whereby Congress imposes distance limitations on an airport, only to replace it with a new version of the Wright Amendment whereby Congress imposes gate limitations on an airport, does not constitute repeal—today, in 8 years or ever. Additionally, the unusual anti-trust exemption language is troubling.

For far too long the Wright Amendment has been a burden on both consumers and the national economy. In the spirit of compromise, I again would support a simple federal law that would enact immediate through-ticketing, fully repeal of Wright in 8 years while respecting the rights of American Airlines, Southwest Airlines, D/FW and the cities of Fort Worth and Dallas to otherwise enter into lawful contracts to mutually bind themselves as they choose.

Try as I may, I cannot in good faith support the current bill, which I fear simply replaces one version of the Wright Amendment with another.

Should this legislation become law, I hope it proves to be of significant benefit to the air traveling public. If it does, I will take some satisfaction knowing I helped play a small role as its catalyst.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the Senate bill, S. 3661. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6203) to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes.

The Clerk read as follows:

H.R. 6203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Energy Research and Development Act".

#### SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "biomass" has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16232(a)(1));

(2) the term "cellulosic feedstock" has the meaning given the term "lignocellulosic feedstock" in section 932(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16232(a)(2));

(3) the term "Department" means the Department of Energy;

(4) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(5) the term "National Laboratory" has the meaning given the term "nonmilitary

energy laboratory" in section 903(3) of the Energy Policy Act of 2005 (42 U.S.C. 16182(3)); and

(6) the term "Secretary" means the Secretary of Energy.

#### SEC. 3. ADVANCED BIOFUEL TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for production of motor and other fuels from biomass.

(b) OBJECTIVES.—The Secretary shall design the program under this section to—

(1) develop technologies that would make ethanol produced from cellulosic feedstocks cost competitive with ethanol produced from corn by 2012;

(2) conduct research and development on how to apply advanced genetic engineering and bioengineering techniques to increase the efficiency and lower the cost of industrial-scale production of liquid fuels from cellulosic feedstocks; and

(3) conduct research and development on the production of hydrocarbons other than ethanol from biomass.

(c) INSTITUTION OF HIGHER EDUCATION GRANTS.—The Secretary shall designate not less than 10 percent of the funds appropriated under subsection (d) for each fiscal year to carry out the program for grants to competitively selected institutions of higher education around the country focused on meeting the objectives stated in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized to be appropriated under section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)), there are authorized to be appropriated to the Secretary to carry out this section—

(1) \$150,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each of the fiscal years 2008 and 2009.

#### SEC. 4. ADVANCED HYDROGEN STORAGE TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for technologies to enable practical onboard storage of hydrogen for use as a fuel for light-duty motor vehicles.

(b) OBJECTIVE.—The Secretary shall design the program under this section to develop practical hydrogen storage technologies that would enable a hydrogen-fueled light-duty motor vehicle to travel 300 miles before refueling.

#### SEC. 5. ADVANCED SOLAR PHOTOVOLTAIC TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for advanced solar photovoltaic technologies.

(b) OBJECTIVES.—The Secretary shall design the program under this section to develop technologies that would—

(1) make electricity generated by solar photovoltaic power cost-competitive by 2015; and

(2) enable the widespread use of solar photovoltaic power.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) \$148,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each of the fiscal years 2008 through 2011.

#### SEC. 6. ADVANCED WIND ENERGY TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for advanced wind energy technologies.

(b) OBJECTIVES.—The Secretary shall design the program under this section to—